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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/825,726	04/15/2004	Peter Hansen	1100-078	8821
47670 7590 10/09/2007 KELLEY DRYE & WARREN LLP 400 ATLANTIC STREET, 13TH FLOOR STAMFORD, CT 06901			EXAMINER MERCHANT, SHAHID R	
			ART UNIT	PAPER NUMBER
			3692	
			MAIL DATE	DELIVERY MODE
			10/09/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/825,726

Applicant(s)

HANSEN ET AL.

Examiner

Shahid R. Merchant

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) 1-17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 18-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 August 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### **Status of the Claims**

1. This action is in response to the amendment filed on August 22, 2007. Claims 1-23 are pending. Claims 1-17 have been cancelled. Claims 18-23 are new claims.

### ***Response to Arguments***

2. Applicant's arguments, see page 8, filed August 22, 2007, with respect to Figures 4-7 have been fully considered and are persuasive. The objection of Figures 4-7 has been withdrawn.
3. Applicant's arguments, see page 9, filed August 22, 2007, with respect to claims 2, 5-7, 12 and 16 have been fully considered and are persuasive. The objection of claims 2, 5-7, 12 and 16 has been withdrawn.
4. Applicant's arguments, see page 10, filed August 22, 2007, with respect to claims 1, 3, 4 and 11 under 35 U.S.C. 112 2<sup>nd</sup> paragraph have been fully considered and are persuasive. The rejection of claims 1, 3, 4 and 11 under 35 U.S.C. 112 2<sup>nd</sup> paragraph has been withdrawn.
5. Applicant's arguments, see page 11, filed August 22, 2007, with respect to claims 1-17 under 35 U.S.C. 101 have been fully considered and are persuasive. The rejection of claims 1-17 under 35 U.S.C. 101 has been withdrawn.
6. Applicant's arguments with respect to claims 1-10, 12-17 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 18-23 rejected under 35 U.S.C. 102(e) as being anticipated by Buckwalter et al., U.S. Patent Application Publication 2003/0177085 (see PTO-892, Ref. C).

9. As per claim 18, Buckwalter teaches a computer implemented method providing indications of market trade quality, comprising:

intercepting one or more market order communications from a trader (see paragraph 37);

storing the identity of said one or more market orders (see paragraphs 37, 49-51);

intercepting one or more market order executions matching one of said stored market order identities (see paragraph 39);

receiving real-time market data relative to one of said market order executions (see paragraph 39);

calculating one or more execution qualities in real-time (see paragraphs 41-43);

conveying said one or more execution qualities to said trader (see Figure 5A).

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10. As per claim 19, Buckwalter teaches the method of claim 18 as described above. Buckwalter further teaches wherein the conveyance of said one or more execution qualities is as a result of departure of the value from predetermined limits (see paragraph 43).

11. As per claim 20, Buckwalter teaches the method of claim 18 as described above. Buckwalter further teaches wherein said execution quality is conveyed to a trader via a display (see paragraphs 48 and 58 and Figure 5A and Figure 3, item 550).

12. As per claim 21, Buckwalter teaches a computer implemented system for providing indications of market trade quality, comprising:

at least one calculation module, wherein market trade execution quality calculations occur in real-time (see Figure 3, items 530, 515, 600 and paragraphs 50-53);

a means for intercepting market trade communications (see Figure 1, item 500 and paragraphs 48-51); and

a means for conveying execution quality of one or more market trades (see Figure 3, item 550, Figure 5A and paragraphs 48 and 58).

13. As per claim 22, Buckwalter teaches the system of claim 21 as described above. Buckwalter further teaches wherein said market trade communications comprise: market trade order communications (see paragraphs 37-43).

14. As per claim 23, Buckwalter teaches the system of claim 21 as described above. Buckwalter further teaches wherein said market trade communications comprise: market trade execution communications (see paragraphs 37-43).

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***Conclusion***

15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shahid R. Merchant whose telephone number is 571-270-1360. The examiner can normally be reached on First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James P. Trammel can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

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published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should


you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SRM

  
ELLA COLBERT  
PRIMARY EXAMINER

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